

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 23532 of 2017
Date of Decision:25.02.2020

Angrej Kaur

.....Petitioner

Versus

Union of India and others

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Sunaina, Advocate
for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General of India
with Mr. Vijay Kumar Chaudhary, Advocate,
for respondent-UOI.

LISA GILL, J(Oral).

Prayer in this writ petition is for directing the respondents, to take up the matter regarding the whereabouts of the petitioner's husband-Surjit Singh, who is stated to have been serving the 57th Battalion BSF.

It is stated that petitioner's husband-Surjit Singh, was erroneously presumed to be killed in action and Surjit Singh was declared a martyr as his body was not traceable. However, the petitioner, it is stated, received information that Surjit Singh, was in-fact captured by the Pakistan Army and he is confined in 'Kot Bhalwal Jail' in Pakistan. Thus efforts should be made to trace out his whereabouts and the matter taken up by the authorities.

It is brought to my notice that CWP No. 10771 of 2017,

involving a similar issue, has been disposed of on 14.11.2019. It is specifically observed therein that :

“As far as the prayer/s for directions to the Central Government asking it to take up the matter with Government of Pakistan are concerned, no such directions can be issued by this Court in exercise of jurisdiction under Article 226 of the Constitution and that too without verifiable facts available on record, except to say that the Central Government and the State Government will keep their eyes and ears open in the search of the petitioner’s husband thought to be languishing in a jail in Pakistan, through the diplomatic channels.

7. With these observations, the petition stands disposed of.”

Learned counsel for the petitioner, is unable to deny that the petitioner, is identically placed as the petitioner in CWP No. 10771 of 2017.

Keeping in view the facts and circumstances as above, this writ petition is disposed of with a similar observation that in case, any reliable information is received by the Central or State Government, in respect to the whereabouts of the petitioner's husband-Surjit Singh, needless to say, necessary action shall be taken.

Writ petition is accordingly disposed of.

[LISA GILL]
Judge

25.02.2020
s.khan

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.